

## State Water Resources Control Board

May 15, 2017

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7015 1520 0001 8017 1948**

Mr. Benjamin Claus  
Environmental Program Specialist  
City of Oakland  
250 Frank H. Ottawa Plaza  
Oakland, California 94612  
[bclaus@oaklandnet.com](mailto:bclaus@oaklandnet.com)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT POLICE ADMINISTRATION BUILDING, 455 7<sup>TH</sup> STREET,  
OAKLAND**

Dear Mr. Claus:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the USTs at your facility on April 27, 2017, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Operating Permit</b> – The permit to operate was not available at the time of inspection.	Regular unleaded	April 27, 2017	Ongoing	H&SC 25284(a)
2	<b>Failure to Maintain Monitoring Plan</b> – The monitoring plan in CERS has not been accepted by Alameda County due to errors in tank monitoring information. The under dispenser container (UDC) have both electronic liquid sensors and float and chain assemblies. The electronic liquid sensors are not programmed to shut off the suction pumps in the UDCs.	Regular unleaded	April 27, 2017	Ongoing	H&SC 25286(a); 23 CCR 2632(d)(1),

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	<b>Failure to Maintain Plot Plan/Site Map</b> – An approved plot plan/site map indicating the location of the product piping, tanks, and auxiliary equipment with respect to buildings or other landmarks, such as the street, was not available in CERS or onsite at the time of the inspection.	Regular unleaded	April 27, 2017	Ongoing	H&SC 25286(a); 23 CCR 2711(a)(8)
4	<b>Failure to Maintain Monitoring and Testing Records Onsite</b> – The 2016, 2015, and 2014 annual monitoring system certifications, spill containment tests, and the most recent secondary containment testing report were not available at the time of inspection. These testing documents must be kept onsite for three years.	Regular unleaded	April 27, 2017	Ongoing	H&SC 25293; 23 CCR 2712(b) and (i)
5	<b>Failure to Provide Designated Operator (DO) Training</b> – There were no records of employee training by the DO in CERS or onsite at the time of inspection. This training must be conducted annually.	Regular unleaded	April 27, 2017	Ongoing	23 CCR 2715(f)
6	<b>Failure to Perform DO Inspections</b> – The monthly DO inspection reports between April 2016 and September 2016 were not available at the time of the inspection.	Regular unleaded	April 1, 2016	September 31, 2016	23 CCR 2715(c)
7	<b>Failure to Maintain Financial Responsibility</b> – An approved certificate of financial responsibility was not available in CERS or onsite at the time of inspection.	Regular unleaded	April 27, 2017	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)
8	<b>Failure to Perform Secondary Containment Testing</b> – The secondary containment testing was due on or before November 1, 2016, and has not been conducted.	Regular unleaded	November 1, 2016	Ongoing	23 CCR 2637

No.	Violation	Tank	Start Date	Stop Date	Regulation
9	<b>Failure to Maintain Secondary Containment</b> – UDC #2 failed testing on October 3, 2016. Proof of correction was not available onsite at the time of inspection.	Regular unleaded	October 3, 2016	Ongoing	H&SC 25291(a)(2)
10	<b>Failure to Maintain Spill Containment Requirements</b> – The spill containment devices contained either liquid or debris preventing their ability to hold five gallons.	Regular unleaded	April 27, 2017	Ongoing	23 CCR 2635(b)(1)
11	<b>Failure to Monitor Product Piping</b> – The sensor in the piping sump is not able to detect a leak at the earliest opportunity because it was not placed below the product piping. Corrected at the time of inspection.	Regular unleaded	April 27, 2017	April 27, 2017	23 CCR 2630(d)
12	<b>Failure to Monitor Product Piping</b> – The float and chain assemblies in UDCs #1 and #2 are not able to detect a leak at the earliest opportunity because the chains are too long.	Regular unleaded	April 27, 2017	Ongoing	23 CCR 2630(d)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and the Alameda County Healthcare Services Agency within sixty (60) days from the date of this letter. Have your DO make specific notations in the next monthly DO report indicating the ongoing violations have been corrected. The monthly DO report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

Mr. Will Speth  
 UST Enforcement Unit  
 Office of Enforcement  
 State Water Resources Control Board  
 801 K Street, Suite 2300  
 Sacramento, California 95814  
[will.speth@waterboards.ca.gov](mailto:will.speth@waterboards.ca.gov)

**Local CUPA**

Ms. Aileen Mendoza  
 Supervising Hazardous Material Specialist  
 Alameda County Healthcare Services Agency  
 1131 Harbor Bay Parkway  
 Alameda, California 94502  
[aileen.mendoza@acgov.org](mailto:aileen.mendoza@acgov.org)

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: *(via email only)*

Ms. Aileen Mendoza  
Supervising Hazardous Material Specialist  
Alameda County Healthcare Services Agency  
[aileen.mendoza@acgov.org](mailto:aileen.mendoza@acgov.org)

Ms. Kayleigh Lim  
Environmental Program Specialist  
City of Oakland  
[klim@oaklandnet.com](mailto:klim@oaklandnet.com)